

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GEOTAG INC.,	§	
	§	
v.	§	CASE NO. 2:10-CV-572-MHS-RSP
	§	
STARBUCKS CORP., et al.	§	
_____	§	
	§	
GEOTAG INC.,	§	
	§	
v.	§	CASE NO. 2:10-CV-574-MHS-RSP
	§	
THE WESTERN UNION CO., et al.	§	

ORDER

The Court enters this Order sua sponte. The Court has previously ordered that one-half of fees due to Special Master McGovern (“McGovern”) are to be paid by the plaintiff and the remaining one-half of fees are to be paid collectively by the defendants (Case No. 2:10-CV-572, Dkt. No. 577 and Case No. 2:10-CV-574, Dkt. No. 733). The fees to be paid by defendants are divided on a pro-rata basis among those defendants who had not reached a settlement at the time of billing. Such pro-rata basis is not to be based on amounts in controversy.

Attached to this Order as Appendix 1 Professor McGovern’s invoice for services through March 2014.

Payment should be sent to Hon. Francis McGovern, c/o Viebig, McCommon & Associates, 401 West Alabama, Houston, TX 77006. If any defendants have questions about McGovern’s bills, they should contact him directly at (202) 744-6750 or by email at mcgovern@law.duke.edu.

It is hereby **ORDERED** that all defendants shall remit payment of all amounts due to McGovern within fourteen days of the date of this Order. Defendants who fail to pay within this period will be ordered to attend a hearing to show cause why they should not be sanctioned for

contempt.

It is further **ORDERED** that the Clerk of the Court shall send copies of this Order to the counsel indicated on the list attached to this Order as being in matters before Magistrate Judge Payne. Each counsel receiving this Order is **ORDERED** to transmit a copy of this Order to each of his or her listed clients, and to ensure their client's prompt compliance with this Order.

SIGNED this 1st day of July, 2014.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE

APPENDIX 1

**FRANCIS E. MCGOVERN
401 WEST ALABAMA
HOUSTON, TX 77006**

TEL: 713 529-9949

FAX: 713 529-9702

April 19, 2014

Mr. James S. Blackburn
Arnold & Porter, LLP
44th Floor
777 South Figueroa Street
Los Angeles, California 90017-5844
FAX: 213 243-4199

RE: GeoTag, Inc. v. Frontier Communications Corp., et al., Case No. 2:10-cv-265-JRG (Lead Case), E.D. Tex.

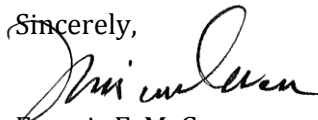
Dear Mr. Blackburn:

Attached in Appendix A is the billing for defendants who were in the above referenced case in March, 2014. Included are time and expenses in April related to those defendants. In accordance with the applicable orders of appointment, those defendants are responsible for 50% of the fees and expenses. There are 34 defendants in the cases assigned to Judge Gilstrap and 14 cases assigned to Judge Payne for a total of 48 defendants. These defendants are responsible for a pro rata share of the 50% of time and expenses incurred or \$200,869.15 divided by 50% and \$100,434.57 divided by 48. Each of the defendants contained in Appendix B are responsible for \$2,092.39.

Please remit payment to:

Francis E. McGovern
401 West Alabama
Houston, TX 77006

Please call if you have any questions.

Sincerely,

Francis E. McGovern

jr
Enclosures

APPENDIX A

Statement for Services

March/April 2014

3/3	Telephone conferences; reading material from counsel; organization of defense contribution	3.00
3/4	Telephone conferences; reading material from counsel; organization of defense contribution	7.25
3/5	Travel to Dallas; preparation for meetings; telephone conferences	12.00
3/6	Meetings; travel from Dallas; reading material from counsel	12.00
3/7	Telephone conferences; reading material from counsel; organization of defense contribution	9.50
3/10	Telephone conferences; reading material from counsel; organization of defense contribution	5.50
3/12	Travel to Houston; preparation for meetings	9.50
3/13	Meetings travel to San Francisco; preparation for meetings	9.25
3/14	Meetings; telephone conferences; organization of defense contribution	7.00
3/16	Travel from San Francisco; reading material from counsel; organization of defense contribution	9.75
3/19	Travel to Dallas; preparation for meetings; telephone conference	6.25
3/20	Meetings; travel from Dallas; reading material from counsel	8.00
3/21	Telephone conferences; reading material from counsel	4.25

3/25	Telephone conferences; reading material from counsel; organizing defense contribution	9.00
3/26	Telephone conferences; reading material from counsel; organization of defense contribution	6.75
3/31	Travel to Dallas; preparation for meetings	8.00
4/1	Meetings; travel from Dallas; telephone conferences; reading material from counsel; organizing defense contributions	8.50
4/2	Organizing defendant contribution	2.25
4/4	Organizing defendant contribution	3.25
4/7	Organizing defendant contribution	2.00
4/8	Organizing defendant contribution	2.50
4/11	Organizing defendant contribution	3.75
4/12	Organizing defendant contribution	6.00
4/14	Travel to Marshall; preparation for hearing	8.00
4/15	Hearing; travel from Marshall	14.00
4/16	Travel to Houston; preparation for meeting with accountants	2.00
4/17	Meeting with accountants	2.00

4/18	Meeting with accountants; organization of defendant contribution	1.50
4/20	Travel from Houston; organization of defendant contribution	2.25
4/21	Organization of defendant contribution	3.75
4/23	Organization defense contribution	3.25
4/30	Organization defense contribution; preparation of draft billing orders	6.50
Total hours		198.50

Statement for Expenses

March/April 2014

	Dallas		
3/5-3/6	Airfare	\$	711.00
	Food and Lodging		158.84
	Ground Travel		22.00
3/12-3/16	Houston		
	Airfare	\$	1,451.90
	Food and Lodging		182.86
	Ground Travel		380.00
3/19-3/20	Dallas		
	Airfare	\$	756.00
	Food and Lodging		305.32
	Ground Travel		105.00
3/31-4/1	Dallas		
	Airfare	\$	1,462.00
	Food and Lodging		393.40
	Ground Travel		179.10
4/14-4/15	Marshall		
	Airfare	\$	735.00
	Food and Lodging		117.52
	Ground Travel		84.23
	Other out of pocket expenses including long distance, deliveries, photocopying and accounting	\$	35,024.98

Summary

March/April 2014

Total Hours	198.50
Total Hours @ \$800 per hour	\$ 158,800.00
Total Expenses	\$ 42,069.15
Total amount due from defendants	\$ 200,869.15

VIEBIG McCOMMON & ASSOCIATES, PC
401 WEST ALABAMA
HOUSTON, TEXAS 77006

713.529.9949

713.529.9207 FAX

April 30, 2014

Francis E. McGovern
6228 Buffalo River Road
Earlsville, Virginia 22936-1747

For services rendered in connection with accounting for GeoTag v. Frontier

Amount due \$35,000

APPENDIX B

SPECIAL MASTER INVOICING
MARCH 2014
GILSTRAP CASES

GeoTag Defendants	Subsidiaries	Firm Name	Dismissal Order Date	Judge
7-Eleven Inc.		Vinson & Elkins	3/5/2014	Gilstrap
Academy, Ltd. (Sports)		Klemchuk Kubasta	3/14/2014	Gilstrap
American Apparel Inc.		Bryan Cave	3/18/2014	Gilstrap
Avis Budget Group Inc.	Avis (Avis Rent A Car), Budget (Avis Budget)	Fish & Richardson	3/3/2014	Gilstrap
BCBG Max Azria Group Inc.		Ward & Zinna	3/12/2014	Gilstrap
Big Lots		Alston Bird	3/11/2014	Gilstrap
BJ's Wholesale Club Inc.		Fish & Richardson	3/5/2014	Gilstrap
Charming Shoppes Inc.	Catherine's, Fashion Bug, Lane Bryant	Fish & Richardson	3/3/2014	Gilstrap
David's Bridal Inc.		Fish & Richardson	3/14/2014	Gilstrap
Deere & Company		Williams Morgan Amerson	3/14/2014	Gilstrap
Dillard's Inc.		Alston Bird		Gilstrap
Dollar Thrifty Automotive Group Inc.	Dollar Rent A Car, Thrifty, Dollar Tree Management	Fish & Richardson	3/3/2014	Gilstrap
Dollar Tree Inc		Fish & Richardson	3/14/2014	Gilstrap
The Dress Barn Inc		Fish & Richardson	3/3/2014	Gilstrap
DSW Inc. D/B/A DSW Shoe, Inc.		Wood Herron	3/7/2014	Gilstrap
Enterprise Holdings, Inc.; Vanguard Car Rental USA, LLC	Alamo Rent A Car, National Car Rental System, Enterprise Holding,	Crowell & Moring	3/12/2014	Gilstrap
Gander Mountain Company		Thompson Coburn	3/19/2014	Gilstrap
Genesco Inc.	Johnston & Murphy, Journeys Kidz, Journeys, Lids Hat World, Shi by Journeys, Underground Station	Kilpatrick Townsend	3/3/2014	Gilstrap
Guess? Retail Inc.		Fish & Richardson	3/14/2014	Gilstrap
Hot Topic Inc.	Hot Topic, Torrid	Fish & Richardson	3/18/2014	Gilstrap
Jimmy Jazz E-Commerce, LLC		Potter Minton	3/18/2014	Gilstrap
Kohler Co.		Fish & Richardson	3/18/2014	Gilstrap
Kubota Tractor Corporation		Fish & Richardson	3/18/2014	Gilstrap
National Vision Inc.	America's Best, Eyeglass World	Fulbright & Jaworski	3/18/2014	Gilstrap
Payless Car Rental System, Inc.	Payless Car Rental, Payless Car Sales	Fish & Richardson	3/3/2014	Gilstrap
Polo Ralph Lauren Corporation		Fish & Richardson	3/3/2014	Gilstrap
RadioShack Corp.		Fish & Richardson	3/3/2014	Gilstrap
Regis Corporation	Best Cuts, Bonics, Carlton Hair, City Looks, Cost Cutters, Empire Beauty Schools, Sassoon Academy, The Hari Design School	Fulbright & Jaworski	3/14/2014	Gilstrap
Spencer Gifts LLC		Fulbright & Jaworski	3/18/2014	Gilstrap
Terex Corporation		Brooks Kushman	3/18/2014	Gilstrap
The Pep Boys -- Manny Moe & Jack		Alston Bird	3/3/2014	Gilstrap
Things Remembered, Inc.		Fay Sharpe	3/18/2014	Gilstrap
Trane Inc.		Loeb & Loeb	3/13/2014	Gilstrap
Wal-Mart Stores, Inc.		Sheppard Mullin Richter & Hampton, White & Case	3/19/2014	Gilstrap